

UNITED STATES DISTRICT COURT

for the  
District of Arizona

United States of America  
v.  
Francisco Moroyoqui-Zavaleta,  
a.k.a.: Francisco Moroyoqui,  
(A205 397 928)  
Defendant

Case No.

17-8422MS

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of October 11, 2017 in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Francisco Moroyoqui-Zavaleta, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Del Rio, Texas, on or about January 4, 2013, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated by Reference Herein**

CEB

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Brooke Afshari


☒ Continued on the attached sheet.

  
Complainant's signature

Steven T. Case,  
Deportation Officer  
Printed name and title

Sworn to before me and signed in my presence.

Date: October 12, 2017

  
Judge's signature

City and state: Phoenix, Arizona

John Z. Boyle,  
United States Magistrate Judge  
Printed name and title

### **STATEMENT OF PROBABLE CAUSE**

I, Steven T. Case, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On October 11, 2017, Francisco Moroyoqui-Zavaleta was booked into the Maricopa County Jail (MCJ) facility by the Phoenix Police Department on local charges. While in custody at the MCJ, Moroyoqui-Zavaleta was encountered by ICE Officer B. Fitzgerald who determined him to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the county jail. On the same date, Moroyoqui-Zavaleta was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Moroyoqui-Zavaleta was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Francisco Moroyoqui-Zavaleta to be a citizen of Mexico and a previously deported criminal alien. Moroyoqui-Zavaleta was removed from the United States to Mexico at or near Del Rio, Texas, on or about January 4, 2013, pursuant to the reinstatement of an order of removal issued by an immigration judge. There is no record of Moroyoqui-Zavaleta in any Department of Homeland

Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Moroyoqui-Zavaleta's immigration history was matched to him by electronic fingerprint comparison.


4. On October 12, 2017, Francisco Moroyoqui-Zavaleta was advised of his constitutional rights. Moroyoqui-Zavaleta freely and willingly acknowledged his rights and declined to make any further statements.
5. For these reasons, this affiant submits that there is probable cause to believe that on or about October 11, 2017, Francisco Moroyoqui-Zavaleta, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United

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States at or near Del Rio, Texas, on or about January 4, 2013, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).



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Steven T. Case,  
Deportation Officer,  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
this 12<sup>th</sup> day of October, 2017.



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John Z. Boyle,  
United States Magistrate Judge